

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The November 6, 2003 Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

PRIOR ART REJECTIONS

In the Office Action, claims 1, 2, 10, 11, 12, 16, 17, 19, 27 and 28 are rejected under 35 USC 102(e) as being clearly anticipated by USP 6,366,196 (Green et al.). Claims 3, 4, 7, 8, 9, 15, 20, 21, 24-26 and 31-33 are rejected under 35 USC 103 as being unpatentable over Green et al. and further in view of USP 6,021,313 (Koga). Claims 5 and 22 are rejected under 35 USC 103 as being unpatentable over Green et al. and further in view of USP 5,363,377 (Sharpe). Claims 6, 13, 23 and 29 are rejected under 35 USC 103 as being unpatentable over Green et al. and further in view of USP 5,689,229 (Chaco et al.). Claims 14 and

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

30 are rejected under 35 USC 103 as being unpatentable over Green et al. and further in view of USP 5,920,271 (Hwang).

The present claimed invention as defined by amended independent claim 1 is directed to a customer activated device for use by a customer in an establishment to provide an indication to service personnel that the customer desires service. The device includes a plurality of manually actuatable service requesters disposed at a plurality of locations within the establishment. Each of the plurality of manually actuatable service requesters includes a transmitter for transmitting at least one signal, specific to the corresponding service requester, upon actuation by a customer. The signal corresponds to a request for service. The device also includes a base station including a receiver and transmitter. The base station is electrically coupled to each of the plurality of manually actuatable service requesters and receives the electric signals transmitted by the manually actuatable service requesters and sends a service request signal in response thereto. The device also includes a plurality of remote communicators electrically coupled to the base station. Each of the plurality of remote communicators is associated with at least one of the plurality of manually actuatable service requesters. At least one of the

plurality of remote communicators receives the service request signal from the base station in response to actuation of a corresponding one of the plurality of manually actuatable service requesters. Each of the plurality of remote communicators includes a display for concurrently displaying a plurality of service requests. When a service request signal is received by one of the plurality of remote communicators, service personnel associated with the corresponding remote communicator are made aware that service is requested by the corresponding one of the plurality of manually actuatable service requesters. In addition, the display lists the service requests in priority order based upon at least one of the number of requests for service and the time between requests for service of an associated manually activated service register.

In rejecting claim 1 the Examiner relies upon USP 6,366,196 (Green et al.).

Green et al. is directed to a restaurant waiter paging system which includes a plurality of table transmitters (which transmit a waiter call signal) and a plurality of pager units. The pager units notify the waiter via a vibration or buzzer that a customer has requested service and displays the request. Each

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

pager unit is associated with a set of tables wherein each set of tables is fewer than all of the tables in the restaurant.

Claim 1 is amended herein to include a limitation from claim 2 to more clearly define the claimed invention over the cited reference. Specifically, claim 1 now recites that the display lists the service requests in priority order based upon at least one of the number of requests for service and the time between requests for service of an associated manually actuatable service requester. In rejecting claim 2 the Examiner relies upon Green et al. However, Green et al. do not disclose, teach or suggest displaying service requests in priority order based upon at least one of the number of requests for service and the time between requests for service of an associated manually actuatable service requester. Green et al. only teaches displaying service requests in chronological order such that the addresses of memory are filled sequentially (see col. 7, lines 22-49). There is no mention of displaying the list of service requests in priority order as specifically set forth in amended claim 1.

None of the other references of record close the gap between the present claimed invention as defined by claim 1 and Green et al. In view of the foregoing, claim 1 is patentable over Green et al. under 35 USC 102 as well as 35 USC 103.

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Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

The claims which are dependent on claim 1 are patentable over the cited references in view of their dependence on claim 1 and because the cited references do not disclose, teach or suggest each of the limitations set forth in the claims which are dependent on claim 1.

Claim 6 is amended to be in independent form. In rejecting claim 6 the Examiner relied upon Green et al.

Claim 6 is directed to the feature that each of the plurality of remote communicators is configured to enable service personnel associated with a particular pager to note when a customer has made more than one request for service in a time period. That is, in the invention defined by claim 6, consideration is given to the fact as to whether a request for service has been made more than one time in any given time period so that the service personnel know whether a particular service requester is anxious to obtain service or has an emergency which needs immediate attention.

Green et al. only teach that once a request has been sent, the central unit will not recognize a second request from a particular transmitter until a predetermined amount of time has lapsed. Therefore, Green et al. do not enable the service personnel associated with a particular pager to note whether a

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

customer has made more than one request for service in a time period as defined by claim 6.

In rejecting claim 6 the Examiner also relies upon Chaco et al. and points to col. 25, line 15+.

Chaco et al. do appear to teach that a message is given priority. However, the priority levels are preprogrammed during an initial set-up of the system configuration (see Chaco et al. at col. 25, lines 26-28). For example, intensive care patients get highest priority, heart patients get the next priority, and so on. Chaco et al. teach that the highest priority call will be displayed first and all other calls will follow in descending order according to the preprogrammed priority level. There is no disclosure, teaching or suggestion of enabling service personnel to note whether a customer has made more than one request for service in a particular time period, as recited in claim 6.

None of the other references of record close the gap between the present claimed invention as defined by claim 6 and Green et al., taken either alone or in combination with Chaco et al. In view of the foregoing, claim 6 is patentable over the cited references under 35 USC 102 as well as 35 USC 103.

Claim 10 is rewritten in independent form and recites that each of the plurality of remote communicators provides an

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

indication as to which of the plurality of manually actuatable service requesters are associated with the corresponding remote communicators so that the waiter can be reminded for which tables he/she is responsible.

In rejecting claim 10 the Examiner relies on Green et al. Green et al. only teach that the pager unit (w) worn by the waiter includes four cells to list the last four requests for service which have not yet been responded to (see col. 7, lines 22-49 of Green et al.). Green et al. do not, however, disclose, teach or suggest that the remote communicators provide an indication as to which of the plurality of manually actuatable service requesters are associated with the corresponding remote communicators.

*This is indication
of associating
as claimed*

None of the other references of record close the gap between the present claimed invention as defined by claim 10 and Green et al. In view of the foregoing, claim 10 is patentable over the cited references under 35 USC as well as 35 USC 103.

Claim 13 is written in independent form. Claim 13 recites that if at least two requests for service are identified by the base station from a particular one of the plurality of manually actuatable service requesters within a predetermined time period, then a service request signal will be displayed on the

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

corresponding one of the plurality of remote communicators with an indication of priority.

In rejecting claim 13 the Examiner relies on Green et al. taken in combination with Chaco et al.

As explained above in connection with claim 6, Green et al. do not mention listing service requests with an indication of priority. While Chaco et al. do display a service request based upon priority, that priority is predetermined based upon the condition of a patient (an intensive care patient would receive a higher priority than a patient who is in the hospital for a broken bone).

In contrast to Chaco et al. the present invention does not include a predetermined priority. Instead, priority is determined if two requests for service are made from any manually actuatable service requester within a predetermined period of time. Such a limitation is not disclosed, taught or suggested by Green et al. or Chaco et al.

None of the other references of record close the gap between the present claimed invention as defined by independent claim 13 and Green et al. taken in combination with Chaco et al. Therefore, claim 13 is patentable over the cited references.

★ Claim 17 is rewritten in independent form and recites that the base station can dynamically change the association of each of the plurality of remote communicators with the plurality of manually actuatable service requesters, wherein the dynamic change of association is performed for an individual remote communicator or manually actuatable service requester or a group of remote communicators or manually actuatable service requesters. This means that the system can change the association of service requesters and pagers dynamically. For example, if a service provider needs to take a break during a shift, an authorized user provides this information to the base station and the base station will distribute the responsibility of the corresponding service requesters (tables) among the remaining service providers until the service provider who was on break returns. In addition, if a high volume of requests are sent to a particular remote communicator in a relatively short period of time and another pager has not received a large number of requests for service within the same period of time, the base station can direct one or more of the requests to the other remote communicator (see page 24, lines 3-15 of the present application).

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Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

Green et al. make no mention at all about dynamically changing association between (assignment of) the plurality of remote communicators and the plurality of manually actuatable service requesters.

None of the other references of record close the gap between the present claimed invention as defined by claim 17 and Green et al.

In view of the foregoing, claim 17 is patentable over the cited references under 35 USC 102 as well as 35 USC 103.

Independent claims 18, 23, 27 and 29 are amended in a similar manner to the amendments made to claims 1, 6, 10 and 13 respectively. Claims 18, 23, 27 and 29 are patentable over the cited references for reasons, inter alia, set forth above in connection with claims 1, 6, 10 and 13 respectively.

The dependent claims are patentable over the cited references in view of their dependence on a respective independent claim. Therefore, each of the dependent claims is patentable over the cited references.

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

CLAIM FEE

Submitted herewith is a check in the amount of \$258.00 for the addition of six (6) independent claims above the highest number of independent claims for which payment was previously made. If any additional fees are due or if any overpayment has been made, please charge or credit our Deposit Account No. 06-1378 for such sum.

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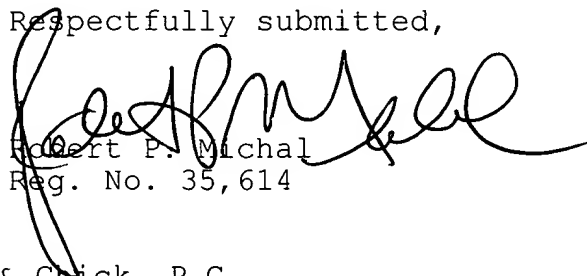
If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

Appln. No. 09/847,490
Amdt. dated May 6, 2004
Reply to Office Action of November 6, 2003

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Petition for Extension of Time
Check for \$258.00 for additional
independent claims